

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-1826V
UNPUBLISHED

KATHY EMRICH and JEREMY
EMRICH, on behalf of K.E.,
a minor child,

Petitioners,
v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 28, 2021

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Meningococcal;
Vasovagal Syncope.

Alison H. Haskins, Maglio Christopher and Toale, PA, Sarasota, FL, for Petitioners.

Benjamin P. Warder, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 11, 2020, Petitioners filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.² (the “Vaccine Act”). Petitioners allege that their minor child K.E. suffered vasovagal syncope as a result of her receipt of a meningococcal vaccination on June 9, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 26, 2021, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioners are entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, Respondent concludes that Petitioners have satisfied the criteria set forth in the Vaccine Injury Table (“Table”) and the Qualifications and Aids to Interpretation for a

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

vasovagal syncope injury. *Id.* at 5. Respondent further agrees that K.E. experienced more than six months of residual effects. *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioners are entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master